

JOINT CHART

Change at clinics request

Objections to PSC's Subpoenas -- updated 11/5/2013

Objector	Neurosurgical Group of Chattanooga	St. Thomas Outpatient Neurosurgical Center	Specialty Surgery Center, PLLC	Howell Allen Clinic, PLLC	Dr. Donald Jones	Southeast Michigan Surgial Hospital	Michigan Pain Specialists	Thorek Memorial Hospital	Baltimore Pain Management Center	North Carolina Orthopedic Clinic	Surgical Park Center, Ltd.	Surgery Center of Wilson, LLC	Forsyth Street Ambulatory Surgery Center, LLC
Docket Entry #	218 & 307	219 & 305	220 & 308	221 & 304	222 & 306	236, 289 & 356	241 & 347	244	254	259	261	275 & 318	279 & 361
State	TN	TN	TN	TN	TN	MI	MI	IL	MD	NC	FL	NC	GA
I. BURDEN (i.e., time, expense, and scope) OBJECTIONS													
A. The request for production of documents is overly broad, not narrowly tailored, and unduly burdensome.	X	X	X	X	X	X	X	X	X		X	X	x
B. The time periods for which documents are requested are unreasonable.	X	X	X	X	X	X	X	X	X		X		
C. The subpoena calls for the production of documents properly attainable by plaintiffs from public sources (e.g. CDC, FDA).	X	X	X	X	X				X		X	X	
D. Many of the documents sought by the subpoena are more appropriatly sought from NECC, thus reducing the burden and expense on the clinics.	X	X	X	X	X				X			X	

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Objector	Neuromuscular and Rehabilitation Associates of Northern Michigan	Rochester Brain and Spine Neurosurgery & Pain	Pain Associates of Charleston	Dr. O'Connell's Pain Care Center	Greenspring Surgery Center	Pain Consultants of West Florida	Ukiah Valley Medical Center	Interventional Spine & Sports Medicine, PC	Encino Outpatient Surgery Center, LLC	Harford County Ambulatory Surgery Center, LLC	Allegheny Pain Management, P.C.	Sahara Outpatient Surgery Center, Ltd.
Docket Entry #	288 & 348	314, 358, 359 & 360	372	311 & 353	303	317 & 355	Not electronically filed	345 & 354	338 & 339	342	334	368
State	MI	NY	SC	NH	MD	FL	CA	CT	CA	MD	PA	NV
I. BURDEN (i.e., time, expense, and scope) OBJECTIONS												
A. The request for production of documents is overly broad, not narrowly tailored, and unduly burdensome.	X	X	X	X		X	X	X	X		X	X
B. The time periods for which documents are requested are unreasonable.		X	X			X		X				X
C. The subpoena calls for the production of documents properly attainable by plaintiffs from public sources (e.g. CDC, FDA).		X	X	X		X		X			X	X
D. Many of the documents sought by the subpoena are more appropriately sought from NECC, thus reducing the burden and expense on the clinics.		X	X			X		X				X

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Objector	Universal Pain Management Medical Corporation d/b/a Universal Pain Management	Pain Medicine Specialists, PA	Medical Advanced Pain Specialists, P.A. ("MAPS")	Union Hospital	Ambulatory Surgery Center	Sequoia Surgery Center, LLC f/k/a Cypress Surgery Center, LLC	Edison Surgical (in discussions w/Steve Rasnick)	Isaiah Florence (in discussions w/Steve Rasnick)	Comprehensive Pain Management (in discussions w/Steve Rasnick)	Box Hill Surgery Center	The South Bend Clinic, LLC
Docket Entry #	383	400 & 405	Not electronically filed	Non-Responsive	Non-Responsive	Not electronically filed	Non-Responsive	Non-Responsive	Non-Responsive	Non-Responsive	269 & 270
State	CA	MD	MN	IN	IN		NJ	NJ	NJ	MD	IN
I. BURDEN (i.e., time, expense, and scope) OBJECTIONS											
A. The request for production of documents is overly broad, not narrowly tailored, and unduly burdensome.		X								X	X
B. The time periods for which documents are requested are unreasonable.											
C. The subpoena calls for the production of documents properly attainable by plaintiffs from public sources (e.g. CDC, FDA).		X								X	
D. Many of the documents sought by the subpoena are more appropriately sought from NECC, thus reducing the burden and expense on the clinics.		X								X	

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II. JURISDICTIONAL AND PROCEDURAL OBJECTIONS													
E. This court does not have jurisdiction to issue and/or enforce the subpoena.								X					
F. The clinic is not a party to any litigation and/or has no injured patients, and exceeds the proper scope of discovery from a non-party.	X				X	X	X		X		X	X	x
G. The subpoena imposes burdens other than or beyond those imposed by the Order on Central Enforcement and the Qualified Protected Order.	X	X	X	X	X	X	X		X	X	X	X	x
H. The subpoena calls for the production of documents protected from disclosure as reflective of attorney-client communications and/or attorney work product.	X	X	X	X	X	X	X	X	X		X	X	
I. The PSC failed to provide the fee for one day's attendance as required by Rule 45(b)(1).	X (Remove)	X (Remove)	X (Remove)	X (Remove)	X (Remove)	X	X	X		X	X	X	x
J. Clinics that are parties should have been served a request for production pursuant to Rule 34 rather than a subpoena pursuant to Rule 45.		X	X	X									
K. The subpoena was improperly served via Federal Express or Certified Mail.						X	X		X				
L. The subpoena calls for the production of documents outside the clinic's possession, custody or control.											X	X	

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Objector	Neuromuscular and Rehabilitation Associates of Northern Michigan	Rochester Brain and Spine Neurosurgery & Pain	Pain Associates of Charleston	Dr. O'Connell's Pain Care Center	Greenspring Surgery Center	Pain Consultants of West Florida	Ukiah Valley Medical Center	Interventional Spine & Sports Medicine, PC	Encino Outpatient Surgery Center, LLC	Harford County Ambulatory Surgery Center, LLC	Allegheny Pain Management, P.C.	Sahara Outpatient Surgery Center, Ltd.
II. JURISDICTIONAL AND PROCEDURAL OBJECTIONS												
E. This court does not have jurisdiction to issue and/or enforce the subpoena.		X	X	X				X	X		X	
F. The clinic is not a party to any litigation and/or has no injured patients, and exceeds the proper scope of discovery from a non-party.	X	X		X		X	X	X			X	X
G. The subpoena imposes burdens other than or beyond those imposed by the Order on Central Enforcement and the Qualified Protected Order.	X	X	X	X	X	X		X	X		X	X
H. The subpoena calls for the production of documents protected from disclosure as reflective of attorney-client communications and/or attorney work product.	X	X	X	X			X	X			X	X
I. The PSC failed to provide the fee for one day's attendance as required by Rule 45(b)(1).		X	X		X	X		X			X	
J. Clinics that are parties should have been served a request for production pursuant to Rule 34 rather than a subpoena pursuant to Rule 45.												
K. The subpoena was improperly served via Federal Express or Certified Mail.	X	X	X		X			X			X	
L. The subpoena calls for the production of documents outside the clinic's possession, custody or control.			X	X		X		X				X

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Objections to PSC's Subpoenas -- updated 11/5/2013

Objector	Universal Pain Management Medical Corporation d/b/a Universal Pain Management	Pain Medicine Specialists, PA	Medical Advanced Pain Specialists, P.A. ("MAPS")	Union Hospital	Ambulatory Surgery Center	Sequoia Surgery Center, LLC f/k/a Cypress Surgery Center, LLC	Edison Surgical (in discussions w/Steve Rasnick)	Isaiah Florence (in discussions w/Steve Rasnick)	Comprehensive Pain Management (in discussions w/Steve Rasnick)	Box Hill Surgery Center	The South Bend Clinic, LLC
II. JURISDICTIONAL AND PROCEDURAL OBJECTIONS											
E. This court does not have jurisdiction to issue and/or enforce the subpoena.		X				X				X	
F. The clinic is not a party to any litigation and/or has no injured patients, and exceeds the proper scope of discovery from a non-party.		X				X				X	
G. The subpoena imposes burdens other than or beyond those imposed by the Order on Central Enforcement and the Qualified Protected Order.		X								X	X
H. The subpoena calls for the production of documents protected from disclosure as reflective of attorney-client communications and/or attorney work product.			X								
I. The PSC failed to provide the fee for one day's attendance as required by Rule 45(b)(1).	X		X							X	X
J. Clinics that are parties should have been served a request for production pursuant to Rule 34 rather than a subpoena pursuant to Rule 45.											
K. The subpoena was improperly served via Federal Express or Certified Mail.	X	X								X	
L. The subpoena calls for the production of documents outside the clinic's possession, custody or control.		X								X	

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Objector	Neurosurgical Group of Chattanooga	St. Thomas Outpatient Neurosurgical Center	Specialty Surgery Center, PLLC	Howell Allen Clinic, PLLC	Dr. Donald Jones	Southeast Michigan Surgial Hospital	Michigan Pain Specialists	Thorek Memorial Hospital	Baltimore Pain Management Center	North Carolina Orthopedic Clinic	Surgical Park Center, Ltd.	Surgery Center of Wilson, LLC	Forsyth Street Ambulatory Surgery Center, LLC
M. The subpoena provided only 21 or 30 days to respond, which is not a reasonable amount of time.	X	X	X	X	X		X			X		X	
N. Rule 45(b)(1) requires that subpoenas be served on each party to the MDL. Comments to the Rule say that parties should have given notice before service of the subpoenas on third parties.	X	X	X	X	X								X

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Objector	Neuromuscular and Rehabilitation Associates of Northern Michigan	Rochester Brain and Spine Neurosurgery & Pain	Pain Associates of Charleston	Dr. O'Connell's Pain Care Center	Greenspring Surgery Center	Pain Consultants of West Florida	Ukiah Valley Medical Center	Interventional Spine & Sports Medicine, PC	Encino Outpatient Surgery Center, LLC	Harford County Ambulatory Surgery Center, LLC	Allegheny Pain Management, P.C.	Sahara Outpatient Surgery Center, Ltd.
M. The subpoena provided only 21 or 30 days to respond, which is not a reasonable amount of time.	X	X	X	X		X		X	X		X	X
N. Rule 45(b)(1) requires that subpoenas be served on each party to the MDL. Comments to the Rule say that parties should have given notice before service of the subpoenas on third parties.	X								X			

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Objections to PSC's Subpoenas -- updated 11/5/2013

Objector	Universal Pain Management Medical Corporation d/b/a Universal Pain Management	Pain Medicine Specialists, PA	Medical Advanced Pain Specialists, P.A. ("MAPS")	Union Hospital	Ambulatory Surgery Center	Sequoia Surgery Center, LLC f/k/a Cypress Surgery Center, LLC	Edison Surgical (in discussions w/Steve Rasnick)	Isaiah Florence (in discussions w/Steve Rasnick)	Comprehensive Pain Management (in discussions w/Steve Rasnick)	Box Hill Surgery Center	The South Bend Clinic, LLC
M. The subpoena provided only 21 or 30 days to respond, which is not a reasonable amount of time.			X								
N. Rule 45(b)(1) requires that subpoenas be served on each party to the MDL. Comments to the Rule say that parties should have given notice before service of the subpoenas on third parties.	X										

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III. CONFIDENTIALITY OBJECTIONS													
O. The subpoena calls for the production of confidential or proprietary business information.	X (Remove)	X	X	X	X (Remove)		X	X	X		X	X	x
P. The subpoena calls for the production of documents protected from disclosure under the state doctor-patient privilege, and/or the production of which would violate the requirements of HIPAA and its related regulations.	X	X	X	X	X	X	X	X	X		X	X	X

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Objector	Neuromuscular and Rehabilitation Associates of Northern Michigan	Rochester Brain and Spine Neurosurgery & Pain	Pain Associates of Charleston	Dr. O'Connell's Pain Care Center	Greenspring Surgery Center	Pain Consultants of West Florida	Ukiah Valley Medical Center	Interventional Spine & Sports Medicine, PC	Encino Outpatient Surgery Center, LLC	Harford County Ambulatory Surgery Center, LLC	Allegheny Pain Management, P.C.	Sahara Outpatient Surgery Center, Ltd.
III. CONFIDENTIALITY OBJECTIONS												
O. The subpoena calls for the production of confidential or proprietary business information.	X	X	X	X	X		X	X				X
P. The subpoena calls for the production of documents protected from disclosure under the state doctor-patient privilege, and/or the production of which would violate the requirements of HIPAA and its related regulations.	X	X	X	X	X	X	X	X	X		X	X

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Objector	Universal Pain Management Medical Corporation d/b/a Universal Pain Management	Pain Medicine Specialists, PA	Medical Advanced Pain Specialists, P.A. ("MAPS")	Union Hospital	Ambulatory Surgery Center	Sequoia Surgery Center, LLC f/k/a Cypress Surgery Center, LLC	Edison Surgical (in discussions w/Steve Rasnick)	Isaiah Florence (in discussions w/Steve Rasnick)	Comprehensive Pain Management (in discussions w/Steve Rasnick)	Box Hill Surgery Center	The South Bend Clinic, LLC	
III. CONFIDENTIALITY OBJECTIONS												
O. The subpoena calls for the production of confidential or proprietary business information.	X	X								X		
P. The subpoena calls for the production of documents protected from disclosure under the state doctor-patient privilege, and/or the production of which would violate the requirements of HIPAA and its related regulations.	X	X	X			X				X	X	

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IV. MOTIVE OBJECTIONS													
Q. The PSC's subpoenas are thinly-veiled attempts to identify new clients.	X	X	X	X	X	X	X		X		X	X	X

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Objector	Neuromuscular and Rehabilitation Associates of Northern Michigan	Rochester Brain and Spine Neurosurgery & Pain	Pain Associates of Charleston	Dr. O'Connell's Pain Care Center	Greenspring Surgery Center	Pain Consultants of West Florida	Ukiah Valley Medical Center	Interventional Spine & Sports Medicine, PC	Encino Outpatient Surgery Center, LLC	Harford County Ambulatory Surgery Center, LLC	Allegheny Pain Management, P.C.	Sahara Outpatient Surgery Center, Ltd.
IV. MOTIVE OBJECTIONS												
Q. The PSC's subpoenas are thinly-veiled attempts to identify new clients.	X	X				X	X	X			X	X

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Objector	Universal Pain Management Medical Corporation d/b/a Universal Pain Management	Pain Medicine Specialists, PA	Medical Advanced Pain Specialists, P.A. ("MAPS")	Union Hospital	Ambulatory Surgery Center	Sequoia Surgery Center, LLC f/k/a Cypress Surgery Center, LLC	Edison Surgical (in discussions w/Steve Rasnick)	Isaiah Florence (in discussions w/Steve Rasnick)	Comprehensive Pain Management (in discussions w/Steve Rasnick)	Box Hill Surgery Center	The South Bend Clinic, LLC	
IV. MOTIVE OBJECTIONS												
Q. The PSC's subpoenas are thinly-veiled attempts to identify new clients.		X								X		

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V. RELEVANCE													
R. The requested documents are not relevant and/or not reasonably calculated to lead to the discovery of admissable evidence.	X	X	X	X	X	X	X	X	X	X	X	X	x
S. Insurance Policies (from non-parties) are non relevant and not reasonably calculated to lead to discovery of admissable evidence.	X				X	X	X		X				

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V. RELEVANCE												
R. The requested documents are not relevant and/or not reasonably calculated to lead to the discovery of admissible evidence.	X	X	X	X		X	X	X	X		X	X
S. Insurance Policies (from non-parties) are non relevant and not reasonably calculated to lead to discovery of admissible evidence.	X	X	X			X		X		X		

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Objector	Universal Pain Management Medical Corporation d/b/a Universal Pain Management	Pain Medicine Specialists, PA	Medical Advanced Pain Specialists, P.A. ("MAPS")	Union Hospital	Ambulatory Surgery Center	Sequoia Surgery Center, LLC f/k/a Cypress Surgery Center, LLC	Edison Surgical (in discussions w/Steve Rasnick)	Isaiah Florence (in discussions w/Steve Rasnick)	Comprehensive Pain Management (in discussions w/Steve Rasnick)	Box Hill Surgery Center	The South Bend Clinic, LLC	
V. RELEVANCE												
R. The requested documents are not relevant and/or not reasonably calculated to lead to the discovery of admissible evidence.	X	X	X							X		
S. Insurance Policies (from non-parties) are non relevant and not reasonably calculated to lead to discovery of admissible evidence.										X		

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VI. OTHER													
T. Subpoena was incomplete													
U. The PSC declined to confer.													

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VI. OTHER												
T. Subpoena was incomplete										X		
U. The PSC declined to confer.										X		

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Objections to PSC's Subpoenas -- updated 11/5/2013

Objector	Universal Pain Management Medical Corporation d/b/a Universal Pain Management	Pain Medicine Specialists, PA	Medical Advanced Pain Specialists, P.A. ("MAPS")	Union Hospital	Ambulatory Surgery Center	Sequoia Surgery Center, LLC f/k/a Cypress Surgery Center, LLC	Edison Surgical (in discussions w/Steve Rasnick)	Isaiah Florence (in discussions w/Steve Rasnick)	Comprehensive Pain Management (in discussions w/Steve Rasnick)	Box Hill Surgery Center	The South Bend Clinic, LLC	
VI. OTHER												
T. Subpoena was incomplete												
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